

S.R. 298 - By Glasgow: Extending welcome to Brandi Schmidt, Honorary Page for the Day.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:26 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor
(March 21, 1983)

S.B. 95
S.C.R. 48

THIRTY-NINTH DAY (Tuesday, March 22, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Dr. Marvin C. Griffin, Ebenezer Baptist Church, Austin, offered the invocation as follows:

Lord God, our gracious heavenly Father, source of truth and justice, grant the guidance of Your Spirit to Your servants in making right decisions and establishing just laws to govern Your people.

Bless us with open mind, pure conscience and determined will to do the right as we see the right.

Dear Lord, cause us to pursue that righteousness which exalts a people, that Your kingdom may come on earth as it is in Heaven. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE JOINT RESOLUTION 1

On motion of Senator Williams and by unanimous consent, Senator Sharp will be shown as Co-author of **S.J.R. 1**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 39

On motion of Senator Brown and by unanimous consent, Senator Sharp will be shown as Co-author of **S.J.R. 39**.

CO-AUTHOR OF SENATE BILL 1220

On motion of Senator Brown and by unanimous consent, Senator Sharp will be shown as Co-author of S.B. 1220.

MESSAGE FROM THE HOUSE

House Chamber
March 22, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 345, Relating to an appropriation to Texas Tech University for snowstorm damage to the Livestock Pavilion.

S.B. 589, Making an appropriation to the State Purchasing and General Services Commission.

H.B. 176, Relating to disqualification of a juror who is legally blind.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 570
S.B. 659
S.B. 779 (Amended)
S.B. 1198
S.B. 2
S.B. 860
S.B. 989
S.B. 556 (Amended)
C.S.S.B. 1025 (Read first time)
C.S.S.B. 766 (Read first time)

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 768 (Amended)
S.B. 722

Senator Parmer, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

S.B. 702
C.S.S.B. 78 (Read first time)

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

C.S.S.B. 199 (Read first time)

Senator Harris submitted the following report for the Committee on Economic Development

S.B. 596

C.S.S.B. 642 (Read first time)

C.S.S.B. 636 (Read first time)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Montford and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1235 by Santiesteban Natural Resources
Relating to the conservation of the water resources of the State.

S.B. 1236 by Howard Natural Resources
Relating to creation, administration, and operation of a loan assistance program and bond insurance program for water conservation, water development, or water quality enhancement, or any combination of these purposes.

S.B. 1237 by Parker Intergovernmental Relations
Relating to the membership of the Court of Appeals for the Ninth Supreme Judicial District.

S.B. 1238 by Santiesteban Education
Relating to limiting the percentage of school districts that may receive state equalization aid.

S.B. 1239 by Glasgow Intergovernmental Relations
Relating to certification, training, and qualifications of law enforcement communications officers; providing for approval of schools for training recruits for jobs as such law enforcement communications officers or as jailers or guards at county jails or as reserve law enforcement officers or as peace officers; providing for temporary or probational appointments; providing penalties; amending Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes), as follows: amending Sections 2, 6A, 8A, and Subsection (a) of Section 7 and adding Section 6B.

S.B. 1240 by Glasgow State Affairs
Relating to computation of annuities under the Judicial Retirement System of Texas.

S.B. 1241 by Brown Natural Resources
Relating to prevention and control of spills of hazardous substances and coordination of the state response effort.

S.B. 1242 by Henderson Intergovernmental Relations
Relating to validation of the boundaries of the Forest Cove Municipal Utility District and elections held in the district.

S.B. 1243 by Farabee State Affairs
Relating to the continuation of the Public Utility Commission of Texas and the regulation of utilities.

S.J.R. 41 by Montford, Lyon Natural Resources
Proposing a constitutional amendment to authorize the issuance of \$200 million in state general obligation bonds, to create an agricultural water conservation fund, and to authorize loans for specified agricultural water conservation investments by individuals.

S.J.R. 42 by Parker, Howard Natural Resources
Proposing a constitutional amendment to create special water funds and a bond insurance program for water conservation, water development, and water quality enhancement.

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 147, To Committee on Economic Development.

SENATE CONCURRENT RESOLUTION 53

Senator Brown offered the following resolution:

WHEREAS, The County of Brazoria was the landing site for the first Europeans in 1528; and

WHEREAS, Seventy-one of Stephen F. Austin's Old Three Hundred settled in the present Brazoria County; Stephen F. Austin, himself, The Father of Texas, resided at Peach Point in Brazoria County; and

WHEREAS, Velasco, one of Brazoria County's earliest communities, marks the historic setting of the Battle of Velasco, a Texas/Mexico skirmish on the 26th of June, 1832; and

WHEREAS, The citizens of the county contributed men and means to the Texas Revolution, and participated in the Runaway Scrape; and

WHEREAS, The County of Brazoria was organized on December 20, 1836, with Brazoria named as the county seat; and

WHEREAS, The first permanent capitol of the original twenty-one counties of the Republic of Texas was designated Columbia on December 29, 1845; and

WHEREAS, The county seat was moved to the fair city of Angleton; and

WHEREAS, Brazoria County ranks first in the State in the production of chemicals and beef cattle; and

WHEREAS, The county is the site of the World's largest chemical manufacturing complex; In past years, Brazoria County has ranked first in the Nation for the production of magnesium and sulphur; and

WHEREAS, Brazoria County ranks fifth of Texas' 254 counties in annual wealth produced; and

WHEREAS, Brazoria County ranks in the top three Texas counties for the production of rice and shrimp; and

WHEREAS, Three-fourths of the main frontal coastline of the Texas coastline lies in Brazoria County; now, therefore, be it

RESOLVED, That the Senate of Texas, with the House of Representatives concurring, honor the fine people of Brazoria County and commend them for their many contributions to the State of Texas and to this Nation; and, be it further

RESOLVED, That March 22, 1983 be designated Brazoria County Day, in honor of the people of this fine county.

BROWN
SHARP

The resolution was read.

On motion of Senator Brown and by unanimous consent, the resolution was considered immediately and was adopted. considered immediately and was adopted.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, the following enrolled resolutions:

H.C.R. 101

H.C.R. 94

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas
March 21, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS STRUCTURAL PEST CONTROL BOARD:

For terms to expire August 30, 1984:

LARRY A. ESPARZA

165 Westlawn Park

Brownsville, Texas 78520

(Mr. Esparza is replacing Mr. Donald J. Wallace III, of Dallas, Dallas County, Texas, whose appointment was returned to this Governor.)

MAXINE R. GOODMAN

935 West Live Oak

Lockhart, Texas 78644

(Mrs. Goodman is replacing Mr. William F. Brown, Jr., of Houston, Harris County, Texas, as a public member, whose appointment was returned to this Governor.)

TOMMY L. BROWN

6409 Riviera

Fort Worth, Texas 76118

(Mr. Brown is replacing Mr. George S. Elo, of San Antonio, Bexar County, Texas, whose term expired.)

TO BE MEMBERS OF THE UNIVERSITY OF TEXAS SYSTEM BOARD OF REGENTS:

For terms to expire January 10, 1989:

MARIO YZAGUIRRE

224 Calle Retama

Brownsville, Texas 78520

(Mr. Yzaguirre is replacing Mr. Sam Barshop, of San Antonio, Bexar County, Texas, who was not confirmed by the Senate.)

ROBERT B. BALDWIN III

306 Commons Ford Road

Austin, Texas 78746

(Mr. Baldwin is replacing Mr. Hilary B. Doran, Jr., of Del Rio, Val Verde County, Texas, whose appointment was returned to this Governor.)

Respectfully submitted,

/s/Mark White

Governor of Texas

SENATE BILL 275 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 275, Relating to the authority of certain domestic insurance companies to reinsure risks involving aircraft and defined space equipment.

The bill was read second time.

Senator McFarland offered the following committee amendment to the bill:

Amend **S.B. 275** as follows:

On page 1, strike line 8 in its entirety and substitute in lieu thereof the following:

RISKS. (a) In this article, "aircraft" means an object capable of moving through the atmosphere, whether powered or unpowered, tethered or untethered, which is capable of lifting the weight of the object and a payload in addition thereto and "space equipment" means spacecraft,

On page 1, strike line 14 in its entirety and substitute in lieu thereof the following:

insurance companies, may, subject to such limitations as may be imposed by the State Board of Insurance, reinsure any liability, property,

On page 2, strike line 9 in its entirety and substitute in lieu thereof the following:

Article 5.75-3 of this code by a domestic company as defined in Section 5, Article 3.01, of this code.

The committee amendment was read.

Senator McFarland offered the following amendment to the committee amendment:

Amend **S.B. 275** as follows:

Amend Committee Amendment No. 1 to **S.B. 275** on line 17 of the printed bill by inserting the words "just and reasonable" after the word "such" and before the word "limitations".

The amendment to the committee amendment was read and was adopted.

Question recurring on the adoption of the committee amendment as amended, the committee amendment as amended was adopted.

Senator McFarland offered the following amendment to the bill:

Amend **S.B. 275** by striking line 44 of the printed bill and substituting in lieu thereof the following:

equipment. Any limitations imposed by the State Board of Insurance shall be consistent with the purposes underlying this Article.

The amendment was read and was adopted.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 275 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 275 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 89 WITH HOUSE AMENDMENTS

Senator Glasgow called S.B. 89 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment No. 1 — Clark/Khoury

Amend S.B. 89 as follows:

On Page 2, line 26, insert the following:

“(5) To be eligible to take the driver training course, an applicant must:

“(A) be at least fourteen (14) years of age; and

“(B) meet the requirements and qualify for a license under Subdivision (1) of this subsection.

Amendment No. 2 — Patterson/Eckels

Amend S.B. 89 by adding a new paragraph (5) after line 25 of page 2 to read as follows:

“(5) the department may suspend a license issued under the terms of this subsection if the holder of that license is convicted of a moving violation.”

Amendment No. 3 — Denton

Amend S.B. 89 on p. 2, lines 19 and 18 to strike and add the following:

. . . , disability, death-related emergency, or economic emergency,

Amendment No. 4 — Eckels/Patterson

Amend S.B. 89 by striking the existing paragraph (5) and substituting a new paragraph (5) to read as follows:

“(5) In the manner provided in Section 22 of this Act, the department may suspend a license issued under the terms of this subsection if the licensee is convicted of a moving violation.”

The amendments were read.

Senator Glasgow moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

RECORD OF VOTE

Senator Doggett asked to be recorded as “Present-not voting” on Senator Glasgow's motion.

REASON FOR VOTE

I believe this bill is a desirable change in the law, but because I represent clients in a lawsuit in which the hardship driver's licensing procedures may be an issue, I am refraining from voting on this issue.

DOGETT

The President asked if there were any motions to instruct the Conference Committee on S.B. 89 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Glasgow, Chairman; Farabee, Brooks, McFarland and Caperton.

SENATE BILL 637 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 637, Relating to the issuance of warrants to persons owing certain delinquent taxes.

The bill was read second time and was passed to engrossment.

SENATE BILL 637 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 637** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 180 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 180, Relating to the continuation, administration, membership, powers and duties, and grounds for removal of members of the Industrial Accident Board; providing funding and certain regulations concerning the Compensation to Victims of Crime Fund, administered by the board; amending Article 8306, Revised Statutes, as amended, by amending Section 7; amending Article 8307, Revised Statutes, by amending Sections 1, 1a, 2, 4b and 7 and adding Sections 2a, 3a, 3b, 3c, and 3d; amending Sections 18a and 20a, Article 8308, Revised Statutes, and Subsections (b), (e), and (f), Section 14, Crime Victims Compensation Act.

The bill was read second time.

Senator Traeger offered the following amendment to the bill:

C.S.S.B. 180 is amended by adding Section 10a as follows:

Art. 8309j. CERTIFIED SELF-INSURERS

Sec. 1. DEFINITIONS. In this article:

(1) "Board" means the Industrial Accident Board.

(2) "Self-insured retention" means the total dollar amount of liability under the workers' compensation laws of this state selected by a self-insurer certified under this article to retain for the self-insurer's own account before transferring the liability to the commercial insurance market by the purchase of insurance.

(3) "Qualified claims servicing contractor" means:

(A) an insurance company authorized by the State Board of Insurance to write workers' compensation insurance;

(B) a subsidiary of an insurance company that provides claim service under contract; or

(C) an individual that is licensed under Chapter 407, Acts of the 63rd Legislature, Regular Session, 1973 (Article 21.07-4, Vernon's Texas Insurance Code), and is approved by the State Board of Insurance for the purpose of writing workers' compensation insurance.

(4) "Certified self-insurer" means an employer who has been granted a certificate of authority to self-insure under this article.

Sec. 2. ADMINISTRATION. (a) The Industrial Accident Board shall establish a division to administer the certification program for self-insurers as provided by this article.

(b) The board may adopt the rules that are necessary to administer this article.

Sec. 3. APPLICATION FOR INITIAL CERTIFICATION. (a) An employer who desires to self-insure under this article must submit an application for a certificate of authority to self-insure. The application must be submitted to the board on a form provided by the board, and must be accompanied by a nonrefundable application fee of \$250.

(b) Not later than the 60th day after the day on which the form is received, the board shall grant a certificate of authority to self-insure to an applicant who meets the requirements for certification under this article. The initial certificate of authority is valid for one year from the date of issuance, unless revoked by the board or withdrawn by the self-insurer as provided by this article.

Sec. 4. ELIGIBILITY REQUIREMENTS FOR CERTIFICATION. (a) To be eligible for a certificate of authority to self-insure, an applicant must:

(1) present evidence of sufficient financial ability to meet all obligations under this article;

(2) present evidence of workers' compensation protection in an amount that covers the aggregate difference between the applicant's proposed self-insured retention and the statutory limits imposed by the workers' compensation laws of this state;

(3) present evidence of the ability to properly administer workers' compensation benefit claims; and

(4) provide the safety services and accident prevention services that are required by Article 5.76-1, Insurance Code.

(b) As evidence of sufficient financial ability to meet all obligations under this article, an applicant for a certificate of authority to self-insure must deposit at least one of the following securities with the board, the sum of which must be equal to the amount of the applicant's self-insured retention:

(1) a surety bond that names the board as payee, issued by a company authorized by Texas law to issue such bonds;

(2) a letter of credit issued by a State or national bank that:

(A) is irrevocable;

(B) names the board as payee; and

(C) is valid for at least one year.

(c) As evidence of the ability to properly administer workers' compensation benefit claims, an applicant for a certificate of authority to self-insure must establish a program of administering the claims:

(1) through self-administration utilizing employees of the applicant who are licensed under Chapter 407, Acts of the 63rd Legislature, Regular Session, 1973 (Article 21.07-4, Vernon's Texas Insurance Code);

(2) by contracting with a qualified service contractor to adjust the claims; or

(3) by contracting with an insurance company that is authorized by the State Board of Insurance to write workers' compensation insurance in this state.

Sec. 5. PROCEDURES ON DENIAL OF INITIAL APPLICATION. (a) If the board determines that an applicant for a certificate of authority to self-insure does not meet the requirements for eligibility provided by this article, the board shall notify the applicant not later than the 60th day after the day on which the application is received, stating the specific reasons for the denial and the conditions to be met before approval can be granted.

(b) The applicant is entitled to a reasonable period of time, as determined by the board, to meet the conditions for approval before the application is considered rejected for purposes of appeal. An appeal is subject to the substantial evidence rule and must be heard in a district court of Travis County.

(c) During the pendency of approval or denial of the application for certification to self-insure, the applicant may not operate as a self-insurer under this article.

Sec. 6. RENEWAL OF CERTIFICATION. To renew the certificate of authority to self-insure, a certified self-insurer must apply to the board. The board must receive the renewal application not later than the 300th day after the date on which the previous certificate was granted. If the renewal application is not approved by the board, the board shall retain and administer the security deposit paid under Section 4 of this article, as necessary to provide for payments of claims that arise during the period of self-insurance.

Sec. 7. ANNUAL REPORT. (a) Each certified self-insurer shall file an annual report with the board and with the State Board of Insurance. The board shall prescribe the form of the report and shall furnish blank forms for preparation of the report to each certified self-insurer. The report must include payroll data in the form prescribed by this article and the board. The board may require that the report include other financial and statistical data.

(b) Payroll data shall be reported in summary by the various classifications of work, in accordance with the classifications for premium determination in the "Texas Basic Manual of Rules, Classifications and Rates for Workers' Compensation Insurance" compiled by the State Board of Insurance. The payroll data must be reported in sufficient detail to allow for computation of a premium by the State Board of Insurance for the self-insurers to satisfy the data requirements of the National Council for Compensation Insurance. The State Board of Insurance may periodically accept independently audited and certified payroll data and related records of each certified self-insurer for verification of payroll data and proper classification of those payrolls.

(c) The annual report must present evidence of sufficient financial ability of the certified self-insurer to meet all obligations under this article. The report must state the numbers and types of injuries sustained by each payroll classification of the employees of the certified self-insurer in the preceding calendar year, and must list separately the amount paid during that year in indemnity benefits, for medical expenses, and for other proper expenses related to worker injuries. The certified self-insurer shall also report separately each claim pending at the end of the year covered by its annual report and shall include an estimate of the probable future payments for indemnity benefits, medical expenses, and other proper expenditures incurred in fulfilling its obligations to its employees under the workers' compensation laws of this state.

(d) If the board considers it necessary, it may order a certified self-insurer whose financial condition or claims record warrants closer supervision to report as provided by this section more often than annually.

Sec. 8. EXAMINATION OF RECORDS. (a) The books, records, and payroll data of each certified self-insurer necessary to compile the annual report and other information reasonably required by the board, shall be maintained by the self-insurer and shall be open to inspection and examination by an authorized agent or representative of the board at all reasonable times for the purpose of ascertaining the correctness of the information.

(b) The examination may be made in the offices of the board in Austin or elsewhere, or, at the certified self-insurer's option, in offices of the certified self-insurer. The certified self-insurer must pay the reasonable expenses, including travel expenses, of an inspector who comes to its offices.

(c) The certified self-insurer may maintain the books, records, and payroll data in locations outside the State of Texas.

(d) Unreasonable refusal on the part of any certified self-insurer to make available for inspection books, records, payroll data, and other required information is grounds for revocation of the certificate of authority to self-insure.

Sec. 9. SELF-INSURANCE TAX. (a) A certified self-insurer shall report the total amount of its medical and indemnity costs for the previous year to the State Board of Insurance. A tax in an amount equal to two percent of that total amount is imposed on each certified self-insurer, to be paid annually into the General Revenue Fund in the State Treasury.

Sec. 10. USE OF UNIT STATISTICAL PLAN. Each certified self-insurer shall keep loss records and shall report those records to the board for purposes of the computation of statewide annual workers' compensation loss experience in accordance with the unit statistical plan published by the State Board of Insurance.

Sec. 11. WITHDRAWAL FROM SELF-INSURANCE. A certified self-insurer may withdraw from self-insurance at any time with the approval of the board. Before withdrawal, the certified self-insurer must submit an adequate and approved plan for paying all incurred losses, including losses not reported, that arise out of accidents or occupational diseases first distinctly manifested during the period of operation as a certified self-insurer.

Sec. 12. CLAIMS. A claim or suit brought by a workers' compensation claimant shall be brought against the certified self-insurer.

Sec. 13. PROTECTION OF CLAIMANTS FROM DISCRIMINATION BY EMPLOYERS; REMEDIES; JURISDICTION. (a) A person may not discharge or otherwise discriminate against an employee because the employee has in good faith filed a claim, hired a lawyer to represent him in a claim, instituted a proceeding under the workers' compensation laws of this state, or testified or is about to testify in such a proceeding.

(b) A person who violates Subsection (a) of this section is liable for reasonable damages suffered by the employee as a result of the violation, and an employee discharged in violation of this section is entitled to be reinstated to his former position. The burden of proof in an action to enforce these remedies is on the employee.

(c) The district courts of this state have jurisdiction, for cause shown, to restrain violations of this section.

Sec. 14. AGENT'S COMMISSION. This article does not prohibit a certified self-insurer from paying a commission to a licensed insurance agent of this state.

Sec. 15. ADOPTION OF GENERAL WORKERS' COMPENSATION LAWS. (a) The following laws are adopted except to the extent that they are inconsistent with this article:

(1) Articles 8306, 8307, 8307b, and 8309, Revised Statutes;

(2) Chapter 248, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 8306a, Vernon's Texas Civil Statutes);

(3) Chapter 77, Acts of the 65th Legislature, Regular Session, 1977 (Article 8306b, Vernon's Texas Civil Statutes);

(4) Chapter 208, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 8307a, Vernon's Texas Civil Statutes);

(5) Chapter 358, Acts of the 64th Legislature, 1975 (Article 8307d, Vernon's Texas Civil Statutes); and

(6) Chapter 179, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 8309a, Vernon's Texas Civil Statutes).

(b) Wherever the word "association," "subscriber," or "employer," or an equivalent is used in the adopted laws, the word shall be construed to mean "certified self-insurer" for the purposes of this article.

Sec. 16. REVOCATION OF CERTIFICATE OF AUTHORITY. (a) The board may revoke the certificate of authority to self-insure of a certified self-insurer who fails to comply with any of the requirements or conditions provided by this article or the rules adopted by the board under this article.

(b) If the board has reason to believe that grounds exist under Subsection (a) of this section to revoke a certificate of authority to self-insure, the board shall hold a hearing to determine if the certificate should be revoked. At the hearing the certified self-insurer must show cause why its certificate should not be revoked. If the certified self-insurer fails to show cause, the board shall immediately revoke the certificate.

(c) A certified self-insurer whose certificate to self-insure has been revoked is not relieved of its obligations to its employees, and the required security shall be maintained with the board or under the board's control until all claims for workers' compensation benefits that arise out of accidents or occupational diseases first distinctly manifested during the period of self-insurance have been paid, settled, or provided for in another manner.

Sec. 17. CIVIL PENALTIES. (a) A certified self-insurer who fails or refuses to make a report required under this article within the time provided, or who fails or refuses to give the board any information requested by the board that relates to an injury to an employee, and that is in the possession of or can be ascertained by the certified self-insurer through the use of reasonable diligence, is subject to a civil penalty not to exceed \$1,000. The penalty shall be recovered in a suit instituted and prosecuted in a district court in Travis County by the attorney general, or by the district or county attorney, under the direction of the attorney general.

(b) A certified self-insurer who fails or refuses to pay the self-insurance tax assessed under this article on or before the 30th day after the day on which the tax is due is subject to a penalty of 10 percent of the amount due as the tax. The penalty shall be recovered by the attorney general in a suit brought by him in the name of the state. The penalty when collected shall be deposited in the general revenue fund in the state treasury.

The amendment was read.

On motion of Senator Brooks, the amendment was tabled by the following vote: Yeas 26, Nays 5.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Glasgow, Harris, Howard, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Brown, Farabee, Henderson, Leedom, Traeger.

Senator Uribe offered the following amendment to the bill:

Amend **S.B. 180** by inserting a new SECTION 1 to read as follows and by renumbering the following sections:

“SECTION 1. Section 2, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

“Sec. 2. The provisions of this law shall not apply to actions to recover damages for personal injuries nor for death resulting from personal injuries sustained by domestic servants or casual employees engaged in employment incidental to a personal residence, farm or (laborers) ranch laborers who are employed by an employer who during the preceding calendar year paid wages of Fifty Thousand Dollars (\$50,000) or less, nor to the employees of any person, firm or corporation operating any steam, electric, street, or interurban railway as a common carrier.”

URIBE
DOGGETT

The amendment was read.

On motion of Senator Sarpalius, the amendment was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Montford, Parker, Sarpalius, Sharp, Sims, Traeger, Vale.

Nays: Doggett, Lyon, Mauzy, McFarland, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire, Williams.

Senator Washington offered the following amendment to the bill:

Amend **C.S.S.B. 180** page 1, line 24 as follows:

- (1) by striking the sentence: “Appointments to the board shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.”
- (2) substitute in lieu thereof the following: “Appointments to the board shall be made with due regard for the race, creed, sex, religion, and national origin of the appointees and geographical distribution of the board”

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 180 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 180** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

MESSAGE FROM THE HOUSE

House Chamber
March 22, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 227, Relating to the failure of a jury to agree unanimously on a sentence in a noncapital criminal case.

H.B. 586, Relating to abolishing the Battleship Texas Commission and transferring jurisdiction of the Battleship "Texas" to the Parks and Wildlife Department.

H.B. 846, Relating to certain oil and gas security interests and product liens.

H.B. 186, Relating to the payment of jurors from a district clerk juror pay account in certain counties.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 299 - By Kothmann: Extending welcome to Emily Crawford, Honorary Page for the Day.

S.R. 300 - By Kothmann: Extending welcome to Renee Garcia, Honorary Page for the Day.

S.R. 301 - By Brooks: Extending welcome to Miss Nikki Burger, Honorary Page for the Day.

S.R. 302 - By Parmer: Extending congratulations to Hugh D. Reed.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:39 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

FORTIETH DAY

(Wednesday, March 23, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Ed Triem, Pine Crest Presbyterian Church, Houston, offered the invocation as follows:

O God, we need Your help today.

We face pressures from all sides, we have many demands made upon us, many needs — not enough money. We need Your wisdom in our decisions we make today.